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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,068	07/31/2003	Yen-Fu Chen	AUS920030521US1	3486
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
UTAMA, ROBERT J				
ART UNIT		PAPER NUMBER		
3715				
NOTIFICATION DATE		DELIVERY MODE		
01/26/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary

Application No.

10/631,068

Applicant(s)

CHEN ET AL.

Examiner

ROBERT J. UTAMA

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/03/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6, 8-11, 14, 17-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Status of the application

1. In view of the appeal filed on 04/20/2004, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below. To avoid abandonment of the application,

appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief Under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stansvik US 2003/0027122, in view of Edberg 5,873,111, in view of Kobayashi 2001/0019329 and further in view of Loebner 5,525,060.**

Claims 1 and 14: Stansvik provide a teaching of a computer-implemented method for reviewing vocabulary comprising of: using a computer and a graphical user interface on a display connected to a computer and responsive to a user selecting a chapter from a plurality of chapters in a text book (see Stansvik paragraph 70), displaying a plurality of vocabulary word from a chapter (see Stansvik paragraph 45), displaying a vocabulary word in the question language and responsive to the user inputting an answer in the answer language, determining if the answer is a correct answer (see Stansvik FIG.5). Stansvik also provided a teaching if the answer is a correct answer is performed by determining whether the vocabulary of the word and the answer both match an entry in dictionary encoded (see Stansvik paragraph 57).

However, Stansvik is silent on what kind of encoding used in the dictionary. Edberg provide a teaching in the background of the invention that an electronic dictionary is better served when implemented using the Unicode encoding (see Edberg '111 col. 2:7-25 and col. 3:9-42). Therefore, one of ordinary skilled in the art would have been motivated to use Unicode as an encoding system of the word in the dictionary, because Unicode encoding would have allow for a better representation of different character/symbol that is unique of each particular language (see Edberg 2:7-25).

Stansvik discloses the claim invention except for the limitation of a user selecting a question language from English, Simplified Chinese, Traditional Chinese and Pin Yin and the limitation of a selecting the answer language from English, Simplified Chinese, Traditional Chinese and Pin Yin. However the Loebner reference provides a teaching a user selecting a question language from English, Simplified Chinese, Traditional Chinese and Pin Yin and the limitation of a selecting the answer language from English, Simplified Chinese, Traditional Chinese and Pin Yin (see col. 3:5-37). Therefore, it would have been obvious to include the

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feature of having English, Simplified Chinese, Traditional Chinese and Pin Yin in order to facilitate the teaching of Chinese language and the variation in its writing system (see Loebner col. 1:57-67).

Stansvik fail to provide a teaching on responsive to the vocabulary word or the answer being in Simplified Chinese, translating the vocabulary word or the answer into Traditional Chinese by accessing a Simplified/Traditional Chinese database. However, Kobayashi provide a teaching on responsive to the vocabulary word or the answer, translating the vocabulary word or the answer into Simplified Chinese by accessing a Simplified/Traditional Chinese database (see Kobayashi Paragraph 91 and 46 and FIG. 3). Therefore, it would have been obvious for one ordinary skilled in the art to include the feature of translating the vocabulary word or the answer into Simplified Chinese by accessing a Simplified/Traditional Chinese database, as taught by Kobayashi, in order to show the student the characterization of Chinese words using the traditional Chinese or simplified Chinese.

Specifically on claim 14. It also obvious to one of ordinary skill in the art at the time of the invention to automate, the selection of a question language from English, Simplified Chinese, Traditional Chinese and Pin Yin and the limitation of a selecting the answer language from English, Simplified Chinese, Traditional Chinese and Pin Yin using a graphical user interface, since it has been held that broadly providing an automatic mean to replace a manual activity which accomplished the same result involves only routine skill in the art. In *Re Venner* 120 USPQ 192.

Claims 4 and 17: Stansvik provided a teaching of displaying a statistic regarding the user's performance in answering plurality of question (see FIG. 9 and paragraph 37, 72).

4. **Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stansvik US 2003/0027122, in view of Edberg 5,873,111, in view of Kobayashi**

**2001/0019329, in view of Loebner 5,525,060 and further in view of Walker
2002/0151366**

Claims 11 and 24: Stansvik fails to provide the teaching of changing the font size of the characters displayed on the graphical user interface. However the Walker reference provides a teaching on changing the font size of the characters displayed on the graphical user interface (see paragraph 69). Therefore, it would have been obvious to include the feature of changing the font displayed on the graphical user interface, as taught by Walker et al, in order to suite the user's preference (see paragraph 5).

5. Claims 5-6 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stansvik US 2003/0027122, in view of Edberg 5,873,111, in view of Kobayashi 2001/0019329, in view of Loebner 5,525,060 and further in view Resor 2003/0180699

Claims 5-6 and 18-19: The Stanvik fails to provide a teaching on calculating the probability factors of vocabulary words, wherein the probability factors determine the probability (or frequency) that the vocabulary word appear in question (or will be asked in a question). However, the Resor reference provides a teaching of the probability factors of vocabulary words, wherein the probability factors determine the probability (or frequency) that the certain problem appear in question (or will be asked in a question) [see paragraph 354 and 189]. Therefore, it would have been obvious at the time of the invention for one of ordinary skilled in the art to include the features of on calculating the probability factors of vocabulary words, wherein the probability factors determine the probability (or frequency) that the vocabulary word appear in question, as taught by Roser, in order to

6. Claims 8-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stansvik US 2003/0027122, in view of Edberg 5,873,111, in view of Kobayashi

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2001/0019329, in view of Loebner 5,525,060, in view Resor 2003/0180699 and further in view of Boon 6,022,221

Claims 8 and 21: The combination of Stansvik and Resor do not provide a teaching wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word. However, the Boon reference provides a teaching wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word (see col. 5:35-45, "... less frequent..." i.e. decreasing the probability factor of its appearance). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word, as taught by Boon, in order to allow a more effective memory retention learning method (see col. 3:5-15).

Claims 9 and 22: The combination of Stansvik and Resor do not provide a teaching wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word. However, the Boon reference provides a teaching of wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word (see col. 11:10-20 "... appear more frequently..." i.e. increasing the probability factor). Therefore, it would have been obvious to one of ordinary wherein responsive that the answer is correct, decrementing a probability factor for the vocabulary word, as taught by Boon, in order to allow a more effective memory retention learning method (see col. 3:5-15).

7. **Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stansvik US 2003/0027122, in view of Edberg 5,873,111, in view of Kobayashi 2001/0019329, in view of Loebner 5,525,060, in view Resor 2003/0180699 and further in view of Frank US 7,367,808**

Claims 10 and 23: Stansvik fails to provide a teaching where is responsive to a determination that all vocabulary words in a chapter have a probability of one, indicating that the chapter is completed.

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However, Frank provides a teaching where a certain cut-off score, indicates that the training is completed (see Frank col. 14:40-50). The examiner interprets the limitation of to a determination that all vocabulary words in a chapter have a probability of one as equivalent as the cut-off score that used in the Frank reference. Therefore, it would have been obvious at the time of the invention for one of ordinary skilled in the art to include the features of on if the response to a determination that the answer is correct, decrementing probability factor for the vocabulary word and if the response to a determination that the answer is incorrect, incrementing probability factor for the vocabulary word, as taught by Frank, into the combination of Stansvik and Kobayashi because it would enable the system to indication where the stop the training (Frank col. 14:50-55).

Response to Arguments

8. With respect to the argument on claim 1 and 14, the applicant argues that the Stansvik references failed to provide a teaching a plurality of vocabulary words. The examiner respectfully disagrees. The cited paragraph from the Stansvik reference (paragraph 45) explicitly describe that the question display is made up from a sentence. Common definition includes a sentence as “a string of words that satisfy the grammatical rule of a language” (Princeton Wordnet dictionary). The examiner would also point out that the display of the question can also be seen in Table 1 of the Stanvik reference. The examiner would like to point out that the question is displayed in a manner that can be interpreted as “... displaying a plurality of vocabulary word ...” as required in claim 1 and 14.

9. Additionally, the applicant also argues that the combination of Stansvik and Loebner reference lacks the feature of selecting a question language and an answer language. The applicant argues that the combination of Stansvik and Loebner only provide a teaching of one surface (or language at a time). The examiner respectfully disagrees. No where in the

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limitation of claim 1 and 14 requires the simultaneous selection of question language and answer languages.

10. The applicant also argues that the Stansvik and Loebner reference is improper since it would change the primary operation of the Stansvik reference. The examiner respectfully disagrees. Firstly the Stansvik reference already provides explicit teaching of providing foreign language education (see paragraph 45) and where the question language and the answer language is different (see FIG 5A question language English and answer language in Spanish). The Loebner reference is only brought to expand the type of language (or writing system) that can be displayed in the question and the language (or writing system) that can be accepted into the system.

11. In response to applicant's argument that the Stansvik and Loebner would not be combinable since it would not allow the tracking of the user's progress, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

12. With respect to the argument of claim 4 and 17, the applicant argues that the Stansvik reference lacks the feature of "... statistic regarding the user's performance in answering a plurality of question." The applicant argues that Stansvik explicit recitation of grade is not the same as having a number percentage of correct answers. The examiner respectfully disagrees. Firstly, the current claim limitation of statistic regarding the user's performance in answering a plurality of question do not entail the type of data that can or can not be excluded as statistic. It is noted that the features upon which applicant relies (i.e., having a number percentage of correct answers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In*

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re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Currently the examiner interprets the term statistic as "any value or number that describes a series of quantitative observations or measures." Hence, the examiner interprets the observation that student receive present grade of D in certain test or quiz can be interpreted as statistic related to user performance in answering the question (receiving a D grade generally indicates poor student performance in the exam, quiz or exercise). Lastly, the examiner also notes that the Stansvik reference also stores other statistic regarding the user's performance in answering a plurality of question such as grade, approximate number of minute to obtain a certain performance level, study habit, frequency, time of day and etc related to the student answering the quiz, test and exercise. No limitation in claim 4 and 17 actively excludes the interpretation of these data as statistic.

13. With respect to argument on claim 5-6, 8-11, 18-19, 21-24, new prior art has been applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715